

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally, or in writing, relative to the action proposed at a hearing to be held at the Kensington Park Hotel, 450 Post Street, Sherwood Room, San Francisco, CA 94102-1592 on November 15, 2004, at 1:00 p.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on November 15, 2004, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific sections 2570.2, and 2570.3 of the Business and Professions Code and section 4154 of the California Code of Regulations, the Board is considering revising Division 39, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law identifies hand therapy, the use of physical agent modalities, and swallowing assessment, evaluation or intervention as areas of advanced practice that require completion of post professional education and supervised on-the-job training.

The purpose of the proposed amendment is to interpret and make specific the supervision parameters for occupational therapists in the process of completing on-the-job training.

Section 4154: This section provides that occupational therapists must complete post professional education and supervised on-the-job training in order to receive advanced practice certification. This proposed regulation interprets and makes specific the supervision parameters for occupational therapists in the process of completing on-the-job training by requiring a written agreement between the supervisor and the occupational therapist, defines the level of supervision, requires the supervisor to be readily available in person at all times, and requires the supervisor to have continuous responsibility to follow the progress of each client.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:
None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will:

Eliminate the following types of jobs: None.

Create the following types of businesses: None.

Expand the following types of businesses: None.

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or the elimination of existing businesses in the State of California.

Cost Impact on Representative Private Person or Business: None.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations do not regulate small businesses, do not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Occupational Therapy, 444 North Third Street, Suite 410, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

Any interested person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person or by accessing the Board's website.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Janet Yagi
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444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278 (916) 445-6167 (FAX)
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The backup contact person is:

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Website Access: Materials regarding this proposal can be found at www.bot.ca.gov.

